
Appropriations Committee

HB 2309

Brief Description: Modifying water right fees.

Sponsors: Representative Linville; by request of Office of Financial Management.

Brief Summary of Bill

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| <ul style="list-style-type: none">• Amends fees associated with acquiring or changing a water right. |
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Hearing Date: 3/29/05

Staff: Alicia Paatsch (786-7178).

Background:

Under the state Water Code, a person must have a water right for any use of surface water and for all but certain exempted withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Water Rights Program in Washington is managed by the Department of Ecology (DOE).

The process of acquiring a water right involves a number of steps and the payment of several fees. These fees are established in statute and must be used exclusively for the purpose of carrying out the work and performing the functions of the DOE's division of water resources. An applicant files an application with DOE and pays a minimum examination fee of \$10 based on the amount of water involved in the project.

After its examination, the DOE makes a formal report of examination with a recommendation to either accept, deny, or condition the water right application. If a permit is to be issued, the applicant must pay a \$5 permit fee. The DOE then issues a permit, specifying a timetable for the applicant to meet in developing the water for a beneficial use. After the applicant has actually started using the water, the applicant sends in a certificate fee of \$5 and proof of appropriation, and the DOE issues the final water rights certificate. There are also fees associated with applying to change a point of diversion or place of use, asking for extensions for putting the water to beneficial use, and other services.

Fees were originally set in 1917 and have been subsequently adjusted over the years. The majority of the fees were last adjusted in 1951, when the minimum examination fee was increased from the 1917 fee of \$5 to the current fee of \$10. Other fees were adjusted in 1965 and 1987, and some fees were changed in 1993 on a temporary basis .

Summary of Bill:

Fees related to acquiring or changing a water right are amended. The following fees are increased to a minimum of \$50 for the following applications:

- permit to appropriate water;
- permit to store water;
- change in the point of diversion or withdrawal, place of use, or purpose of use;
- extension of time for beginning construction work under a permit;
- recording an assignment of either a permit to appropriate water or an application for such a permit;
- preparation of a certificate to appropriate water; and
- amendment of a water right claim.

An application fee of \$100 per cubic foot per second (cfs) applies to applications for a permit to appropriate water in an amount exceeding one-half cfs. For applications to change the point of diversion or withdrawal, place of use, or purpose of use, the total examination fee is assessed at the rate of \$50 per cfs. In addition to the specified applications, the \$50 change application fee applies to ground water permit changes, addition of points of withdrawal, and consolidation of one or more exempt groundwater rights with a groundwater permit, certificate or claim.

The fee to file and record a formal protest against granting a water right application is increased to \$50. No fee is required to submit comments regarding an application.

The number of times the DOE collects fees during the water right application process is reduced from three to two. Various fees for recording, copies of a water right, and other activities by the DOE are eliminated.

No fee is collected for an application to donate a trust water right to the state nor to process a change when the DOE acquires a trust water right for in-stream flows or other public purposes. In addition, a fee is not collected for drought-related water right changes.

Appropriation: None.

Fiscal Note: Preliminary fiscal note is available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.